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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.                        | CONFIRMATION NO. |
|--|-------------|----------------------|--|------------------|
| 10/767,297   | 01/28/2004  | Steven J. Ross       | GP-303781 (2760/115)                       | 5003             |
| 7590   | 04/22/2008  |                      | EXAMINER                                   |                  |
| General Motors Corporation<br>Legal Staff, Mail Code 482-C23-B21<br>300 Renaissance Center<br>P.O. Box 300<br>Detroit, MI 48265-3000 |             |                      | BOVEJA, NAMRATA                            |                  |
|  |             |                      | ART UNIT                                   | PAPER NUMBER     |
|  |             |                      | 3622                                       |                  |
|  |             |                      | MAIL DATE                    DELIVERY MODE |                  |
|  |             |                      | 04/22/2008                                 | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                        |                     |  |
|------------------------------|------------------------|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |  |
|                              | 10/767,297             | ROSS ET AL.         |  |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |  |
|                              | PINKY BOVEJA           | 3622                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 January 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-20 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 28 January 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ .                                    |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.   | 6) <input type="checkbox"/> Other: _____ .                        |

## **DETAILED ACTION**

1. This office action is in response to communication filed on 01/28/2004.
2. Claims 1-20 are presented for examination.

### **Claim Rejections - 35 USC § 101**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claim 19 is rejected under 35 U.S.C. 101, because the claimed invention is directed to a non-statutory subject matter. Data structures not claimed as embodied in computer readable media are descriptive material per se and are not statutory because they are neither physical "things" nor statutory processes. Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention, which permit the data structure's functionality to be realized. In fact, data structures as recited in claim 1 "a computer readable modulated carrier wave" and "means embedded in the modulated carrier wave," are descriptive material per se and are not statutory, because this "signal" is neither a physical "thing" nor a statutory process, and it does not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention, which permit the data structure's functionality to be realized.

### **Claim Rejections - 35 USC § 112**

4. The second paragraph of 35 U.S.C. 112 is directed to requirements for the claims:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

There are two separate requirements set forth in this paragraph:

- (A) the claims must set forth the subject matter that applicants regard as their invention; and
- (B) the claims must particularly point out and distinctly define the metes and bounds of the subject matter that will be protected by the patent grant.

Claims 3-5 are rejected under 35 U.S.C. 112, second paragraph. With reference to claim 3, the recitation "each client class that associates specific vehicle data with each status" renders the claim indefinite, because it is unclear what the Applicant means by "client class that associates specific vehicle data". Specifically, it is unclear that f client class is a static value, then how does it associate specific vehicle data. It is interpreted to mean that client class is associated with a specific vehicle data. Appropriate correction is required.

5. In reference to claim 4, the recitation "data format template is a web component configuration," renders the claim indefinite, because it is unclear what the Applicant means by "data format template is a web component configuration." It is interpreted to mean that the data format template is web based.

6. In reference to claim 5, the recitation "data format template is a voice portal configuration," renders the claim indefinite, because it is unclear what the Applicant means by "data format template is a voice portal configuration." It is interpreted to mean that data format template is in audio format.

**Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

7. Claims 1-20, are rejected under 102(a) as being anticipated by Treyz et al (Patent Number 6,526,335 hereinafter Treyz).

In reference to claims 1, 14, 19, and 20, Treyz teaches a method, a computer readable medium, an article, and a system for managing subscriber vehicle data in a vehicle data management system comprising: receiving vehicle data (abstract, col. 1 lines 38-41, col.2 lines 49-51, col. 33 lines 31-49, and Figure 47); storing the vehicle data (col. 35 lines 9-28); associating at least one client class with at least one corresponding targeted data format (i.e. target promotions to the user) (abstract, col. 3 lines 17-20, col. 38 lines 35-45, col. 59 lines 32-45, col. 60 lines 7-67, and Figures 72 and 77); receiving a client data request from a client (col. 72 lines 38-55, col. 80 lines 22-36, and col. 83 lines 15 to col. 84 lines 31); determining a client identity based on the client data request (col. 43 lines 33-59 and col. 48 lines 43-60); and providing targeted data to the client responsive to the data request wherein the targeted data format is based on the determination of the identified client requesting the client data (col. 56 lines 10-14, col. 59 lines 21 to col. 60 lines 67, and col. 64 lines 23-67).

8. In reference to claim 2, Treyz teaches the method wherein the vehicle data is received from a data channel selected from the group consisting of: a vehicle communication unit (col.1 lines 38-46, col. 33 lines 6-61, and col. 34 lines 36-46), a telematics unit, a web portal, a database, a service provider, a cell phone, and a

personal digital assistant.

9. In reference to claims 3 and 15, Treyz teaches the method and computer readable medium wherein associating a client with a corresponding targeted data format comprises: defining a role based hierarchy for each client class that associates specific vehicle data with each status (i.e. determining who is the user) (col. 15 lines 9-27, col. 30 lines 25-53, and col. 32 lines 28-54); and building a data format template for each client class based on the role based hierarchy (i.e. targeting the determined user) (col. 38 lines 35-45 and col. 39 lines 8-15).

10. In reference to claim 4, Treyz teaches the method wherein the data format template is a web component configuration (col. 38 lines 35-45 and col. 39 lines 8-15).

11. In reference to claim 5, Treyz teaches the method wherein the data format template is a voice portal configuration (col. 3 lines 21-28 and 50-54).

12. In reference to claims 6 and 16, Treyz teaches the method and computer readable medium wherein determining a client identity comprises: parsing the client data request for client identity data (col. 15 lines 9-27, col. 30 lines 25-53, and col. 32 lines 28-54); and determining the hierarchical role of the client (col. 3 lines 50-54, col. 22 lines 10-67, and col. 35 lines 9-67).

13. In reference to claim 7, Treyz teaches the method wherein the client role is selected from the group consisting of: a portal administrator, subscription service customer (col. 3 lines 50-54), a campaign manager, an engineer, a data analyst, a call center advisor, and a fleet manager (col. 35 lines 9-67).

14. In reference to claims 8 and 17, Treyz teaches the method and computer

readable medium wherein providing targeted data comprises: instantiating a communication portlet that is associated with the determined client class, identity and role; retrieving vehicle data based on the communication portlet; and populating the communication portlet with the retrieved vehicle data (col. 35 lines 9-67).

15. In reference to claim 9, Treyz teaches the method wherein the portlet is configured to provide targeted data to client classes selected from the group consisting of a cell phone, a web browser, a personal computer, and a PDA (col. 10 lines 22-38).

16. In reference to claim 10, Treyz teaches the method wherein the targeted data includes advertisements that are selected based on the class, role and identity of the client (col. 15 lines 9-27, col. 30 lines 25-53, col. 32 lines 28-54, and col. 35 lines 9-67).

17. In reference to claim 11, Treyz teaches the method wherein the targeted data includes analytical data that are selected based on the client request (col. 16 lines 65 to col. 17 lines 13 and col. 38 lines 20-45).

18. In reference to claims 12 and 18, Treyz teaches the method and computer readable medium further comprising: requesting and retrieving vehicle data from a vehicle communications unit of a vehicle that is identified by the client data request (col. 37 lines 34 to col. 38 lines 54).

19. In reference to claim 13, Treyz teaches the method wherein vehicle data is selected from the group consisting of subscription service data, vehicle operating data, vehicle maintenance data (col. 38 lines 20 to col. 39 lines 15), and vehicle lease data.

**Conclusion**

Any inquiry concerning this communication or earlier communications from

the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The Central FAX phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 1866-217-9197 (toll-free).

/P. B./

Examiner, Art Unit 3622

/Yehdega Retta/

Primary Examiner, Art Unit 3622